

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
“AZZMADOR” RAY, NATHAN DAMIGO,
ELLIOT KLINE a/k/a/ ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUSTUS SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, MICHAEL “ENOCH”
PEINOVICH, LOYAL WHITE KNIGHTS OF
THE KU KLUX KLAN, and EAST COAST
KNIGHTS OF THE KU KLUX KLAN a/k/a
EAST COAST KNIGHTS OF THE TRUE
INVISIBLE EMPIRE,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

DECLARATION OF KAREN DUNN

I, Karen Dunn, on this 7th day of February, 2022, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Partner at the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP (“Paul, Weiss”), one of the law firms representing the Plaintiffs in this action.

2. I submit this Declaration in support of Plaintiffs’ Petition for Attorneys’ Fees and Costs. Except to the extent otherwise expressly indicated, I have personal knowledge of the matters set forth in this Declaration.

3. During the period of time relevant to Plaintiffs’ Petition for Attorneys’ Fees and Costs, I was a Partner at Boies Schiller Flexner LLP (“BSF”) and then a Partner at Paul, Weiss.

4. I am a member in good standing of the Washington, D.C. and New York State Bars. I have been admitted to appear *pro hac vice* before this Court for and on behalf of the Plaintiffs in the above-captioned action.

5. I have represented Plaintiffs since the beginning of 2018. I have worked closely with all of the attorneys and staff members at Paul, Weiss who worked on this matter, including the five other individuals for whom Plaintiffs are seeking reimbursement of fees in this Petition for Attorneys’ Fees and Costs—Jessica Phillips, Makiko Hiromi, Arpine Lawyer, Nicholas Butto, and Jerren Holdip—whose qualifications are described briefly below:

6. I have been a Partner at Paul, Weiss since June 2020. I was previously a Partner at BSF for approximately six years. I am an experienced trial lawyer who has been named “Litigator of the Year” by *The American Lawyer*. I was also named one of the *National Law Journal*’s “Outstanding Women Lawyers” and one of *Benchmark Litigation*’s top 10 female litigators. I have served as an Assistant U.S. Attorney for the Eastern District of Virginia and Associate White House Counsel under President Barack Obama. I graduated from Yale Law School in 2006, and

served as a law clerk to the Honorable Merrick Garland on the U.S. Court of Appeals for the D.C. Circuit and the Honorable Stephen Breyer on the U.S. Supreme Court.

7. Jessica Phillips has been a Partner at Paul, Weiss since July 2020. She was a Partner at BSF for approximately 2.5 years and before that a Counsel at BSF for 1.5 years. Prior to that, she was an associate for seven years at Latham & Watkins LLP. She is an experienced trial attorney who has litigated a variety of complex commercial cases in federal and state trial and appellate courts across the country. She has participated in taking seven cases to trial and has won multiple victories on behalf of her clients. She has handled numerous appeals in both federal and state appeals court, including before the United States Supreme Court. She graduated from the Northwestern University School of Law in 2006 and was elected to the Order of the Coif. She served as a law clerk to the Honorable Joel Flaum on the United States Court of Appeals for the Seventh Circuit and the Honorable Justice Samuel Alito on the Supreme Court of the United States.

8. Makiko Hiromi has been an associate at Paul, Weiss since September 2013. Prior to joining Paul, Weiss, she was a legal fellow at the Legal Aid Society of New York. Ms. Hiromi has worked on a variety of civil litigation matters including defending against tortious conspiracy claims, as well as multinational regulatory and internal investigations. She also maintains an active pro bono docket, including several civil rights cases ranging from voting rights to immigration to anti-SLAPP cases. Ms. Hiromi graduated from Columbia Law School in 2012, and was a judicial intern in the Southern District of New York as a law student.

9. Arpine Lawyer was an associate at Paul, Weiss from 2016 through 2018 before serving as a law clerk for two years to the Honorable Reggie B. Walton on the United States District Court for the District of Columbia. She subsequently returned to Paul, Weiss where she has been an associate since 2020. Ms. Lawyer's practice focuses on complex civil and antitrust

litigation and internal and government investigations. Ms. Lawyer graduated from Howard University School of Law *magna cum laude* in 2016.

10. Nicholas Butto has been an associate at Paul, Weiss since September 2018. He has worked on a number of civil litigation matters and has been an integral part of a number of successful trial and arbitration teams. Mr. Butto has also devoted significant time to pro bono work, including immigration cases, criminal appeals, voting rights cases and constitutional challenges to legislation. He has briefed several of these cases in various circuit courts. Mr. Butto graduated from *cum laude* from Georgetown University Law Center in 2018.

11. Jerren Holdip has been a Senior Case Manager at Paul, Weiss since July 2020. He conducts research, manages case files, and assists with filings for a variety of cases. He also coordinates and leads the paralegal team and facilitates their general case support. Prior to joining Paul, Weiss, Mr. Holdip was a Case Manager at Boies Schiller Flexner, LLP for four years, then a Case Manager Coordinator at Boies Schiller for sixteen years. Mr. Holdip graduated from The Catholic University in 1999.

12. This declaration solely concerns the fees incurred by Paul, Weiss attorneys and paralegals.

13. Exhibit A hereto reflects time entries and reasonable fees associated with Paul, Weiss work performed on Plaintiffs' successful Virginia Code Section 8.01-42 count and interrelated claims. Plaintiffs seek compensation for a total of \$1,915,278.00 in fees for approximately 6,795.9 hours of work performed at Paul, Weiss over the course of this litigation.

14. For the Court's convenience, Paul, Weiss's hours and fees that are part of this Petition can be summarized as follows:

Phase / Description	Date Range	Paul, Weiss Hours	Paul, Weiss Fees
Investigation and Drafting of the Complaint	8/14/17–10/10/17		
Motion to Dismiss	10/11/17–3/6/18		
Discovery (Fact & Expert) and Summary Judgment ¹	3/7/18–8/23/21	1,431	\$386,058.00
Pretrial Disclosures and Motions	8/24/21–10/24/21	2,812.8	\$771,428.00
Trial	10/25/21–11/23/21	2,503.9	\$746,175
Motion for Attorneys' Fees and Costs	11/24/21 –1/05/22	48.2	\$11,617.00
Total		6,795.9	\$1,915,278.00

15. The entries in Exhibit A show the date legal services were performed, the type of work done, the amount of time expended, and the hourly rates applied. The exhibit reflects an accurate accounting, based on contemporaneous records, of the time Ms. Phillips, Ms. Hiromi, Ms. Lawyer, Mr. Butto, Mr. Holdip, and I spent performing legal and paralegal services, respectively, necessary to the case and this Petition.

16. As set forth more fully in Plaintiffs' Petition for Attorneys' Fees and Costs, the requested hourly rates for the work described in Exhibit A are reasonable for the Charlottesville, Virginia legal market. These rates represent a substantial discount on Paul, Weiss's standard hourly rates, including the firm's discounted rates for public-interest litigation. The hourly rates used are as follows:

¹ Discovery work began during the prior Motion to Dismiss phase and continued during the subsequent Pretrial Disclosures and Motions phase.

Name	Role	Hourly Rate
Karen Dunn	Partner	\$450
Jessica Phillips	Partner	\$400
Makiko Hiromi	Associate	\$225
Arpine Lawyer	Associate	\$225
Nicholas Butto	Associate	\$225
Jerren Holdip	Paralegal	\$100

17. Although dozens of other attorneys and staff members at Paul, Weiss performed many hours of legal services during the litigation of this case, their time has been excluded from the calculations in Exhibit A.

18. Exhibit A was created using entries for this litigation for the months of July 2020 through January 2022 from Paul, Weiss's invoicing system. Attorneys at Paul, Weiss reviewed entries of the seven billers listed above, removed any attorney hours for non-legal or administrative tasks, and also adjusted hours that exceeded what would typically be charged to a client for this kind of work (*e.g.*, duplicative or excessive hours). Attorneys at Paul, Weiss then reviewed the descriptions in these fee entries for privilege and applied minimal redactions to protect information subject to attorney-client privilege or the attorney work-product protection.

19. The resulting fees included in Exhibit A were necessarily incurred in connection with Plaintiffs' successful Virginia Code Section 8.01-42 count and interrelated claims. They are the type of fees typically billed to clients for this type of work.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 9, 2022
Washington, D.C.

/s/ *Karen Dunn*

Karen Dunn